

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re

Case #: 23-70197

KARA M. FERRANTE

CHAPTER 13
NOTICE OF MOTION

Debtor

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SIRS:

PLEASE TAKE NOTICE, that upon the annexed application of the debtor, KARA M. FERRANTE, by her attorney, Robert H. Solomon, dated January 19, 2023, the undersigned will appear before this Court on the 15 day of February 2023 at 9:30 in the forenoon, or as soon thereafter as counsel may be heard, to move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, in the Courtroom at 290 Federal Plaza, Room 860, Central Islip, New York, for an Order, pursuant to Section 362(c)(3)(B) of the United States Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that responsive papers, if any, are to be served on the undersigned and filed with the Court no less than three (3) days prior to the return date of this motion.

Dated: January 19, 2023
Long Beach, New York

Robert H. Solomon, P.C.

By:

ROBERT H. SOLOMON, ESQ
RHS3889
24 East Park Avenue
Long Beach, New York 11561
516-432-1622

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re

Case #: 23-70197

KARA M. FERRANTE

Affirmation in Support

Debtor

X

STATE OF NEW YORK]

COUNTY OF NASSAU] ss.:

ROBERT H. SOLOMON, an attorney duly admitted to practice before this Court states:

1. I am the attorney of record for the above-captioned debtor.
2. This affirmation is submitted in support of the application by the debtor for the entry of an Order, pursuant to 11 U.S.C. Sections 105 and 362(c)(3)(B) to continue the full force and effect of the automatic stay as to all other creditors.
3. This is the debtor's second Chapter 13 filing within the last twelve (12) months. The debtor filed her last case on August 26, 2020 (Case No. 20-72795). The prior case was dismissed by Order of this Court on December 27, 2022 upon Trustee's Motion to Dismiss.
4. The Debtor's prior case was based upon contributions which Debtor expected to receive from her sons. Sometime in April/May 2021 two of Debtor's sons moved out of her home and stopped making contributions to the Chapter 13 Plan because they began paying rent. In January 2022, Debtor's other son moved to Florida with his girlfriend whose mother was ill. In October 2022, Debtor's son and his girlfriend moved back into the residence and are paying rent to Debtor in the amount of \$2,000.00

per month and it is expected they will continue to pay rent

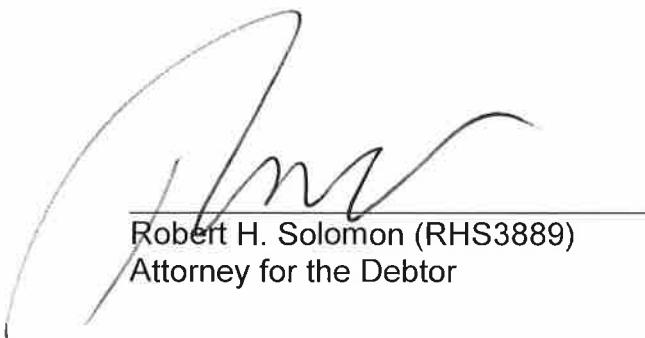
5. Annexed hereto as Exhibit "A" is Debtor's Affidavit of Change in Circumstances. Annexed hereto as Exhibit "B" is Affidavit of Rent from Debtor's son with proof of income.

6. Based upon the foregoing, it is respectfully requested that the automatic stay be continued so that the Debtor be permitted the opportunity to continue to prosecute the instant Chapter 13 case.

7. No prior application has been made by the debtors for the specific relief sought herein. Further this application is being brought on shortened notice as a consequence of the Court's upcoming schedule and the hearing requirements of 11 U.S.C. Section 251 (c)(3)(B).

WHEREFORE, the debtors respectfully requests that an Order be entered, pursuant to 11 U.S.C. Sections 105 and 362(c)(3)(B), continuing the full force and effect of the automatic stay as to all creditors during the prosecution of this Chapter 13 case, and that the Debtor be granted such other and further relief as this Court deems just and proper.

Dated: January 19, 2023
Long Beach, New York



Robert H. Solomon (RHS3889)
Attorney for the Debtor

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re

Case #: 23-70197

KARA M. FERRANTE

AFFIDAVIT OF CHANGE
IN CIRCUMSTANCES

Debtor

X

STATE OF NEW YORK
COUNTY OF NASSAU } ss.:

KARA M. FERRANTE, being duly sworn, does hereby depose and say that:

1. I am the Debtor in the instant case, and I am making this affidavit in support of this Court's acceptance of my Chapter 13 Petition. I submit this affidavit in support of my motion for an order pursuant to § 362(c)(3) extending the Automatic Stay against all creditors beyond the thirty (30) day period in this proceeding.

2. This affirmation is submitted in support of the application by the debtor for the entry of an Order, pursuant to 11 U.S.C. Sections 105 and 362(c)(3)(B) to continue the full force and effect of the automatic stay as to all creditors.

3. I previously filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code on August 26, 2020 (Case No. 20-72795). The prior case was dismissed by Order of this Court on December 27, 2022 upon Trustee's Motion to Dismiss.

4. My prior case was based upon contributions which I expected to receive from my sons, Michael Ferrante, Christopher Ferrante and James Ferrante. Some time in April/May 2021 both Michael and Christopher moved out of my home and stopped making contributions to the Chapter 13 Plan because they began paying rent.

5. In January 2022, my son James moved to Florida with his girlfriend whose mother was ill. James was exploring the possibility of relocating to Florida to assist with the care of his girlfriend's mother. Because of another child moving in with the girlfriend's mother to assist with her care, James decided to return to New York. During the time he was in Florida he was not contributing to my Chapter 13 Plan.

6. In October 2022, James and his girlfriend moved back into my residence and are paying rent to me in the amount of \$2,000.00 per month. It is expected they will continue to pay rent in the amount of \$2,000.00 per month and he will be submitting an Affidavit of Contribution with proof of income to support this obligation.

7. Moreover, my prior obligation under my previous bankruptcy case was \$2,329.00. My new obligation under this Plan is \$2,052.00 which is supported by the budget I have submitted.

8. No prior application has been made for the specific relief sought herein. Further this application is being brought on shortened notice as a consequence of the Court's upcoming schedule and the hearing requirements of 11 U.S.C. Section 251 (c)(3)(B).

WHEREFORE, in view of the foregoing, it is respectfully requested that this Honorable Court enter an Order pursuant to 11 U.S.C. §362(c)(3) extending the

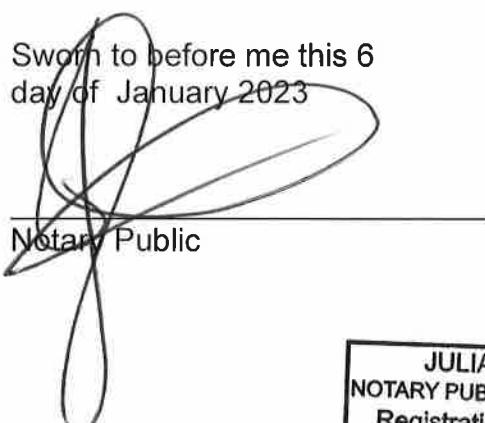
Automatic Stay against all creditors and for such other and further relief as this Court may deem just and proper.

Dated: January 6, 2023
Long Beach, New York



Kara M. Ferrante

Sworn to before me this 6
day of January 2023


Notary Public

JULIANNE ROBINSON NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01RO6404596 Qualified in Nassau County Commission Expires February 24, 2024

EXHIBIT "B"

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

X

RHS3889

In Re

KARA FERRANTE

Debtor.

X

AFFIDAVIT OF RENT

Chapter 13

Case No.: 23-70197

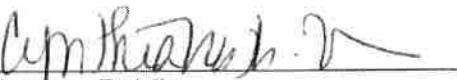
JAMES FERRANTE, residing at 133 Wilson Avenue, Long Beach, New York 11561, being duly hereby swears and affirms under penalty of perjury as follows:

1. That my mother is the debtor in the above-captioned proceeding, and I submit this affidavit in support of her case.
2. My source of income is working at Atlantic Towers Associates.
3. My monthly gross income is \$4,701.80 and my monthly net income is \$3,426.49.
4. I live at my mother's house together with my girlfriend Molly Jussen who is full time employed in accounting at a Jeep dealership in Inwood, New York.
5. Between Molly and me we are able to pay my mother rent in the amount of \$2,000.00 per month.



JAMES FERRANTE

Sworn to before me this 11th
day of January 2023



Notary Public

CYNTHIA NORTON MORNIN
Notary Public, State of New York
No. 131-1003-2
Qualifying Bond \$500.00
Commission expires January 31, 2023

FOLD AND REMOVE

FOLD AND REMOVE

**PERSONAL AND CHECK INFORMATION****EARNINGS****PAY**

James T Ferrante
133 Wilson Ave
Long Beach, NY 11561
Soc Sec #: xxx-xx-xxxx Employee ID: -101

Home Department: 300 Porter

Pay Period: 10/09/22 to 10/15/22
Check Date: 10/20/22 Check #: 4103910217

NET PAY ALLOCATIONS

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
Check Amount	<u>790.79</u>	<u>35605.78</u>
NET PAY	790.79	35605.78

WITHHOLDING**GS**

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
Social Security	67.27	3083.20
Medicare	15.73	721.07
Fed Income Tax	130.51	6039.99
NY Income Tax	49.59	2272.14
NY Disability	0.60	27.80
NY PFL	5.54	254.10

TOTAL269.2412398.30**DEDUCTION****DESCRIPTION****THIS PERIOD (\$)****YTD (\$)**

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
401k	25.00	1050.00
Uniondues	25.00	675.00
TOTAL	25.00	1725.00

NET PAY

NET PAY	THIS PERIOD (\$)	YTD (\$)
	<u>790.79</u>	<u>35605.78</u>

FOLD AND REMOVE

FOLD AND REMOVE

PERSONAL AND CHECK INFORMATION

James T Ferrante
 133 Wilson Ave
 Long Beach, NY 11561
 Soc Sec #: xx-xx-xxxx Employee ID: 101

Home Department: 300 Porter

Pay Period: 12/16/22 to 12/16/22

Check Date: 12/16/22 Check #: 4103910457

NET PAY ALLOCATIONS

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
Check Amount	208.66	39865.36
NET PAY	208.66	39865.36

EARNINGS		BASIS OF DESCRIPTION	HRS/UNITS	RATE THIS PERIOD (\$)	YTD (\$)
		PAY			
		Hourly			
		Personal Time			1728.0000
		Retro			8.0000
		Union Sign Bonus			46333.35
		Overtime			211.61
		Bonus			162.00
		Sick			3000.00
		Vacation			1595.15
		Personal-Memo			250.00
		Sick-Hol-Memo			2143.08
		Vac Memo-Memo			2143.06
		Total Hours			M8.00
		Gross Earnings			M80.00
		Total Hrs Worked			M80.00
WITHHOLDINGS		DESCRIPTION	FILING STATUS	THIS PERIOD (\$)	YTD (\$)
		Social Security			3461.97
		Medicare			3.62
		Fed Income Tax	\$ 0		809.65
		NY Income Tax	\$ 0		6748.67
		NY PFL			2535.89
		NY Disability			285.31
					31.40
		TOTAL		41.34	13872.89
DEDUCTION		DESCRIPTION	THIS PERIOD (\$)	YTD (\$)	
		401k			1200.00
		Union Dues Prio			75.00
		Uniondues			825.00
		TOTAL			2100.00

NET PAY

THIS PERIOD (\$)
208.66

YTD (\$)
39865.36

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

KARA M. FERRANTE

Case No.: 23-70197
CHAPTER 13

Debtor(s)

CERTIFICATE OF SERVICE

-----X

I certify that on the date shown below I mailed a copy of the Notice of Motion to Extend the Automatic Stay, Affirmation in Support and Affidavit of Change in Circumstances to the parties listed below.

U.S. Trustee, 560 Federal Plaza, Central Islip, New York
Michael J. Macco, Esq. 2950 Express Drive South, Suite 109, Islandia, New York 11749
Kara M. Ferrante, 133 Wilson Avenue, Long Beach, New York 11561
Wells Fargo Bank NA, Attn: Bankruptcy Dept Mac X7801-014, 3476 Stateview Blvd., Fort Mill, SC, 29715-7203

at the address(es) designated by said attorney and party for that purpose by depositing a true copy of same to each attorney and party, enclosed in a postpaid properly addressed wrapper, VIA first class mail in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: January 20, 2023
Long Beach, New York



Robert H. Solomon

UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF NEW YORK

RHS 3889

Case No. 23-70197

IN RE:

KARA M. FERRANTE

Debtor(s).

**NOTICE OF MOTION TO EXTEND AUTOMATIC STAY, AFFIRMATION IN
SUPPORT & AFFIDAVIT OF CHANGE IN CIRCUMSTANCES**

ROBERT H. SOLOMON

Attorney for Debtor(s)

**24 East Park Avenue
Post Office Box 58
Long Beach, NY 11561**

(516) 432-1622
